

Rule 1073-1

ASSIGNMENT OF CASES

(a) ***Initial Assignment of Cases -- General.*** The Clerk shall assign all cases filed in --

(1) a Division with two or more resident judges, to an individual judge selected by utilization of a blind draw system. The blind draw system is designed to ensure that individual assignment of cases within each Division with two or more resident judges is made at random or by lot. Neither the Clerk nor any member of the Clerk's staff shall have any power or discretion in determining the judge to whom any case is assigned. The method of assignment shall be designed to prevent anyone from choosing the judge to whom a case is to be assigned, and all persons shall conscientiously refrain from attempting to circumvent this rule.

(2) a Division with one resident judge, to the individual judge resident in that Division.

(3) the Ft. Myers Division, to a judge resident in the Tampa Division as designated by the Chief Judge.

(b) ***Initial Assignment of Cases -- Special Provisions.*** Notwithstanding any provision of subsection (a) to the contrary --

(1) The Court may provide that the Clerk shall assign to a particular judge cases filed only under a certain chapter or chapters of the Bankruptcy Code.

(2) The Court may provide that cases be assigned to judges under the blind draw system in such proportions as the Court may from time to time direct.

(3) The Clerk shall assign successive cases filed by or against the same debtor and multiple cases filed by or against related entities or affiliates to the judge assigned the previously filed case if the successive cases are filed in the same division as the first such case. If the successive case is filed by the same debtor in a different division than the previous case within two years of closing the previous case, the Clerk shall assign the successive case to the judge assigned the previous case. For purposes of this subsection (b) (3), a

successive case includes a case that is later refiled after it is dismissed. It shall be the duty of counsel or the petitioning party or parties, if not represented by counsel, to bring such matters to the attention of the Clerk by noting full particulars about the previous or related filings on the second page of the Voluntary Petition (Official Form No. 1) or on a separate Notice of Successive or Related Cases.

(4) No application or motion for any order of court shall be made until the case or proceeding in which the matter arises has been docketed and assigned by the Clerk as prescribed by subsection (a) of this rule, and then only to the judge to whom the case has been assigned; provided, however:

(A) When no case has previously been initiated, docketed, and assigned, emergency applications and motions arising during days or hours that the Clerk's Office is closed may be submitted to any available judge resident in the appropriate Division, or, if no judge is available in the Division, to any other judge in the District, but the case shall then be docketed and assigned by the Clerk on the next business day and shall thereafter be conducted by the judge to whom it is assigned in accordance with subsection (a) of this rule.

(B) When the judge to whom a case or proceeding has been assigned is temporarily unavailable due to illness, absence, or prolonged engagement in other judicial business, emergency applications and motions arising in the case or proceeding may be made to the other resident judge in the Division or, if more than one, to the judge who is junior in date of appointment in that Division. If no other judge is available in the Division, such applications or motions may be made to any other available judge in the District.

(c) ***Reassignment of Cases and Proceedings Due to Disqualification or Recusal.*** In the event a judge is unable, because of the entry of an order of disqualification or recusal, to preside in a case or proceeding that is pending in --

(1) a Division with more than two resident judges, the Clerk shall reassign the case or proceeding to another judge resident in that Division selected by utilization of a blind draw system.

(2) a Division with two resident judges, the Clerk shall reassign the case or proceeding to the other judge resident in that Division.

(3) a Division with one resident judge, the Clerk shall reassign the case or proceeding to a judge in another Division as designated by the Chief Judge.

(d) ***Successive Reassignment of Cases and Proceedings Due to Disqualification or Recusal.*** In the event a successor judge who is reassigned a case or proceeding is unable to preside because of the entry of an order of disqualification or recusal, the Clerk shall reassign the case or proceeding --

(1) to another judge resident in that Division, if there is one who is able to preside (by utilization of a blind draw system if there is more than one remaining judge able to preside); or

(2) to another judge selected by the Chief Judge if there is no other judge resident in that Division who is able to preside.

(e) ***Reassignment of Cases and Proceedings for Other Reasons.***

(1) Nothing contained in this rule is intended to limit the authority of the Chief Judge pursuant to 28 U.S.C. § 154(b) to assign or reassign cases and proceedings as may be necessary to ensure that the business of the Court is handled effectively and expeditiously or of any judge to reassign cases and proceedings for other appropriate reasons, such as to equalize caseloads among judges, distribute cases to new judges, and the like.

(2) The judge to whom any case or proceeding is assigned may, at any time, reassign the case or proceeding to any other consenting judge for any limited purpose or for all further purposes.

Notes of Advisory Committee

2004 Amendment

This amendment clarifies that the Chief Judge will assign a judge resident in the Tampa Division to Ft. Myers cases and deletes the requirement for a general standing order in the assignment of cases.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This amendment simply makes technical and grammatical changes necessary because of the abolition of the Ocala Division as contained in the amendment to Local Rule 1.03.

These amendments were effective on February 15, 1995.

1993 Amendment

This rule was substantially modified effective February 1, 1993, in anticipation of the arrival of new judges as a result of the expansion of the membership of the court that was authorized by the Congress.